

UNITED STATES OF AMERICA
EASTERN DISTRICT OF MICHIGAN
SOUTHERN MICHIGAN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 2:13-cr-20600

Hon. Paul D. Borman

FARID FATA,

Defendant.

**EX PARTE MOTION FOR LEAVE TO FILE
SENTENCING MEMORANDUM UNDER SEAL**

NOW COMES FARID FATA, defendant herein, by and through his attorney, Mark J. Kriger, and respectfully moves this Honorable Court for the entry of an Order permitting him to file his Sentencing Memorandum under seal, and in support of the said motion say as follows:

1. Defendant is scheduled to be sentenced the week of July 6, 2015 and in connection with the sentencing, counsel for defendant has prepared a sentencing memorandum that contains confidential information including, but not limited to the names of patients treated by Dr. Fata and their confidential medical records.

2. This Court has supervisory power over its own records and files, and the inherent authority to seal documents, and in order to protect the privacy of Dr. Fata's patients, the exercise of its unquestioned in premises, should allow defendant to file

his sentencing memorandum under seal (with, of course, a copy to be furnished to the government).

3. Pursuant to L.R. on June 7, 2012, undersigned counsel sought the concurrence of government and the government has no objection to the relief requested.

WHEREFORE, defendant respectfully prays that this Honorable Court enter an Order permitting him to file his sentencing memorandum under seal.

Respectfully submitted,

s/Mark J. Kriger
LARENE & KRIGER, P.L.C.
1717 Penobscot Building
645 Griswold Street
Detroit, Michigan 48226
(313) 967-0100
E-Mail: mkriger@sbcglobal.net

DATED: June18, 2015

UNITED STATES OF AMERICA
EASTERN DISTRICT OF MICHIGAN
SOUTHERN MICHIGAN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 2:13-cr-20600

Hon. Paul D. Borman

FARID FATA,

Defendant.

**MEMORANDUM IN SUPPORT OF
MOTION FOR LEAVE TO FILE DECLARATIONS UNDER SEAL**

Question presented. Whether the defendants should be allowed to file declaration(s) in support of their claims of Fourth Amendment “standing” under seal.

Principal authorities. *Nixon v. Warner Communications, Inc.*, 435 U.S. 589 (1978)

“Every court has supervisory power over its own records and files,” *Nixon v. Warner Communications, Inc.*, 435 U.S. 589, 598 (1978), and “the inherent power to seal documents,” subject only to the sound exercise of its discretion. *United States v. Shryock*, 342 F.3d 948, 983 (9th Cir. 2003). Here, the defendant’s sentencing memorandum contains confidential information, including but not limited to, the names and medical records of patients treated by Dr. Fata. The records contain extremely private information and the Court should therefore exercise its

unquestioned discretion to permit defendant to file his sentencing memorandum under seal.

Respectfully submitted,

s/Mark J. Kriger
LARENE & KRIGER, P.L.C.
1717 Penobscot Building
645 Griswold Street
Detroit, Michigan 48226
(313) 967-0100
E-Mail: mkriger@sbcglobal.net

DATE: June 18, 2015

CERTIFICATE OF SERVICE

I hereby certify that on June 18, 2015, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system, which will send notification of such filing to all counsel of record herein.

s/Mark J. Kriger
LARENE & KRIGER, P.L.C.
1717 Penobscot Building
645 Griswold Street
Detroit, Michigan 48226
(313) 967-0100
E-Mail: mkriger@sbcglobal.net
Michigan State Bar No. 30298